

REMARKS

This amendment is offered in response to the Office Action of June 6, 2011.

In response to the objection to the drawings, the specification has been amended at page 4, lines 32-34 to read “The zipper may however be a continuous uncut length from which pre-determined lengths of zipper may be severed” (amendatory markings not shown). It is respectfully submitted that this is fully supported by page 15, lines 10-13 and is illustrated by Figure 10. It is respectfully submitted that no new matter has been added.

Similarly, in response to the rejection of Claim 41 under 35 U.S.C. §112, second paragraph, the Applicant has amended Claim 41 to read “A length of reclosable fastener according to claim 39, from which pre-determined lengths may be severed” (amendatory markings not shown). Again, it is respectfully submitted that this is fully supported by page 15, lines 10-13 and is illustrated by Figure 10. It is respectfully submitted that no new matter has been added.

The Office Action rejected Claims 21, 28 and 31-33 under 35 U.S.C. §102(b) as being anticipated by the Kenichi reference (WO 03080458). Similarly, the Office Action rejected Claims 22-23 under 35 U.S.C. §103(a) as being obvious over the Kenichi reference in view of the Tilman reference (U.S. Patent No. 5,209,574) and Claim 24-26, 29-30 and 34-38 as being obvious over the Kenichi reference.

The remaining claims were rejected under 35 U.S.C. §103(a) as being obvious over the Kenichi reference in view of various secondary references – Claim 27 was rejected as being obvious over the Kenichi reference in view of the Ausnit reference (U.S. Patent No. 3,959,856); Claims 39-46 were rejected over the Kenichi reference in view of the Machacek reference (U.S.

Published Patent Application 2003/0231808); and Claims 47-51 were rejected over the Kenichi reference in view of the Schneider reference (U.S. Patent No. 6,609,828).

At the outset, the Examiner is respectfully referred to U.S. Published Patent Application 2005/0196076 (the '076 reference), which corresponds to the cited Kenichi reference (note the common PCT number, Kenichi appearing to be a given name rather than a surname). In all rejections, it appears that the Office Action is relying on Figure 4B of the Kenichi reference. However, this figure discloses flanges on the zipper opening clips extending away from the plane of separation of the zipper strips. Moreover, elements 214, which are apparently being construed as the first flanges "extending away from the plane of separation", are not really flanges at all, but rather projections to prevent finger slippage when grasping the flanges. The Examiner is respectfully referred to paragraph [0010] of the '076 reference which clearly defines the function of elements 214. This is clearly different from the claimed "the first flanges being configured for attachment to film of a bag". In other words, there is nothing in the Kenichi reference (or corresponding '076 reference) wherein flanges are disclosed which both extend "away from the plane of separation" and are "configured for attachment to film of a bag", such as is claimed in the presently pending independent claims as supported by the description of the lateral flanges 52, 53 at page 16, lines 5-8 and 13-16 and Figure 4.

It is further respectfully submitted that none of the secondary references resolve this distinction.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,



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